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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 10/025,790

Filing Date: December 26, 2001

Appellant(s): LI ET AL.

Carl Schaukowitch  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 23, 2007 appealing from the Office action mailed January 23, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al, US Publication #2004/0107125 (Guheen hereinafter), in view of Roerick, US Publication #2002/0097715 (Roerick hereinafter), McKinney et al, US Publication #2005/0188009 (McKinney hereinafter) and McGarry et al, US Patent #6,038,491 (McGarry hereinafter).

As per claim 1, Guheen teaches substantially the invention as claimed including a network communication system connecting a network management center and a plurality of customer terminals, Guheen's teachings comprising:

    said network management center in said system is comprised of hardware portions: a network center server (Paragraph 0136; 3145; 3137; 3999. Central data processing center.), auxiliary PCs (Pages 9-10; Paragraph 3139; 4001. Secondary server.) or an embedded operation system, network equipment including network cards in server (Paragraph 3139; 3141; 3145. Server communicates with other servers and users. Network cards are inherent.) and network cables (Paragraph 2876; 3025. Network cables is

inherent.), and software portions (Page 8, 10. Paragraph 3145. Application software.): an information data database (Page 8; Page 13; Paragraph 2240; 2624. Information database.), management software (Page 11. Management software.), encrypt key authentication (Page 10; Paragraph 1110, Encryption, key management, and authentication.) and an information safety software package including a firewall or VPN system (Paragraph 1112; 2891; 4024. Firewall.); said customer terminal is comprised of a customer terminal host (Paragraph 3146. Terminal.) and a plurality of customer terminal slaves, (Paragraph 3145-3146. Dispense information, goods and services. Printer, dispenser, card reader.), said a customer terminal slaves are chosen according to the requirements of a local user and providing different service items and contents (Paragraph 3145. Take orders for goods and services from customers and deliver goods and services.); said network communication system is comprised of the Internet (Paragraph 3141; 4037. Internet), a wired and/or wireless local area network (Paragraph 2534. LAN.) and computer buses (Paragraph 0147. Bus.)

each terminal slave and each customer terminal host being in communication with the network management center (Paragraph 3146. Terminals communicating with remote service center.), the plurality of customer terminal slaves providing a variety of items including merchandise and information for purchase by a customer, the plurality of customer terminal slaves including a customer terminal slave information dispenser and a customer terminal merchandise dispenser (Paragraph 3146. Dispense voice and video information, printed documents, and goods. Accepting orders and payments.),

the customer terminal host having a host panel, the host panel including a touch screen display operative for displaying messages or providing information to a customer (Paragraph 3142. Touch screen), a keyboard for inputting data into the customer terminal host (Paragraph 3142. Keyboard.), a paper exit for dispensing printed paper from a printer contained with the customer terminal host (Paragraph 3142. Printer operations.), an IC card reader or a magcard reader (Paragraph 3142. Credit card reader.), and payment means for payment of a selected one of the variety of items purchased (Paragraph

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3142; 3145. Accept payment for goods or services.), and a card receiver for receiving value storing cards or value adding cards (Paragraph 3142; 3145. Use credit card reader or PIN number entering, i.e. credit or ATM card. Paragraph 3154. Magnetic strip card with value.), and

when the customer selects information as the selected one of the variety of items for purchase and one of the payment means (Paragraph 3145. Gather information from desired goods and services.), the customer terminal host creates an information service request and transmits the information service request to the network management center (Paragraph 3145. Transmit information on goods and services to the central data processing center.), the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host, the customer terminal host then performs payment settlement according to the selected payment means, the customer terminal slave information dispenser provides the information to the customer (Paragraph 3145. Accept payment. Processing by the central data processing center to deliver goods or services in the form of documents.),

when the customer selects merchandise as a selected one of the variety of items for purchase, the customer terminal host creates real time messages, the network management database sends a result to the customer terminal host (Paragraph 3145. Receive information on desired goods and services from customers. Sent goods or services to the data processing center for processing.), the customer terminal host settles payment according to the selected one of the payment means, the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise (Paragraph 3145. Accept payment. Deliver documents to the customer.), and

However, Guheen does not specifically teach the features of a network management database, electronic business database, at least one card exit, at least one ticket exit, a small change machine for dispensing coins, the payment means including a paper currency receiver for receiving paper currency from a customer; a plurality of terminal server cabinets constructed in a building block architecture.

when the customer selects merchandise and one of the payments, the customer host creating real time messages including terminal information data about merchandise remaining at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host, the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data,

when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

Roerick teaches a similar system comprising: at least one card exit (Paragraph 0260; 0267. Card dispenser.), at least one ticket exit (Paragraph 0280. Print ticket.), a small change machine for dispensing coins (Paragraph 0260; 0274. Coin dispenser.), a payment means including a paper currency receiver for receiving paper currency from a customer (Paragraph 0039; 0260. Receive currency.);

when the customer selects merchandise and one of the payments, the customer host (Paragraph 0277-0278. Request service. Indicate method of payment.), creating real time messages including terminal information data about a request for the merchandise (Paragraph 0278-280. Message sent to transaction server. Message includes request for goods/services.), the customer terminal slave transmitting the terminal data to the network management center for modification of the network management database based upon the terminal information data (Paragraph 0280. Determine availability of ticket, price, information from vendor or business. Paragraph 0283. Information is sent by the transaction server to the MFC.)

when the customer selects the card receiver for receiving value adding cards as payment means (Paragraph 0269; 0273; 081. Smart card.), the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center (Paragraph 0277; 0281. Encrypted message sent to transaction server.), the network management center correspondingly modifies data in the electronic business database (Paragraph 0281. Log transaction.) and sends a result to the customer terminal host, the customer terminal host then settles payment (Paragraph 0279. Confirm purchase of goods/services to the device. Paragraph 0280; 0282. Ticket information sent to the device.) and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave (Paragraph 0280; 0283. Print ticket.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen and Roerick because both teachings similarly deal with a commercial transaction system wherein dispensing apparatuses (customer terminals) provide goods and services. Using features known for operating one type of customer terminal as taught by Roerick in another customer terminal as taught by Guheen would have been obvious to one of ordinary skill in the art, which would enhance the capability of the customer terminal such as by allowing transactions based on cards with stored value to provide an additional payment option, and increase convenience, speed, and security of certain types of transactions as suggested by Roerick (Paragraph 0021).

Guheen and Roerick still do not specifically teach of a construction in a building block architecture and creating real time terminal messages including terminal information data about merchandise stored and available to the customer.

McKinney teaches of a server utilizing a building block architecture (Paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, and McKinney for the plurality of terminal server cabinets

as taught by the suggested system of Guheen and Roerick to be implemented in a building block architecture as taught by McKinney, which would improve the suggested system by providing a design that reduces development efforts due to block reuse in designs as taught by McKinney (Paragraph 0015).

Guheen, Roerick, and McKinney still do not specifically teach of creating real time terminal messages including terminal information data about merchandise stored and available to the customer.

McGarry teaches of an apparatus for commercial transaction, i.e. a dispensing apparatus, wherein the dispensing apparatus send messages including terminal information data about merchandise remaining at the customer terminal slave and an amount of currency remaining at the customer terminal host at any given time (Col. 6, lines 1-5, 32-41; Col. 8, lines 36-42.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, McKinney, and McGarry for the dispensing apparatus (customer terminal) as taught by suggested system of Guheen, Roerick, and McKinney to send messages including terminal information data about merchandise remaining at the customer terminal slave and an amount of currency remaining at the customer terminal host, which would have been desirable for managing customer terminals to achieve the results of eliminating unnecessary service calls and facilitating better supply route planning as suggested by McGarry (col. 1, lines 20-26).

As per claim 2, Guheen teaches the network system based self-help service according to claim 1, characterized in that said information data database is comprised of a database storing all kinds of information collected by the network based self-help system for the local public and a dedicated Internet web site (Paragraph 3136; 3145. Server stores information to provides services to customers and clients. Paragraph 3477; 3836. Web page to access data on the network.).

As per claim 6, Guheen teaches of providing a dispenser for providing voice, video, and printed documents (Paragraph 3145). However, Guheen does not specifically teach the network system based self-help service according to claim 4, characterized in that the card dispenser in the said customer terminal slaves is a ticket dispenser, a card dispenser, or a combination of them.

Roerick teaches of a dispensing apparatus comprising a ticket dispenser (Paragraph 0280. Print ticket).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, McKinney, and McGarry for the customer terminal slave as taught by the suggested system to dispense tickets as performed in another dispensing apparatus, which would enable the customer terminal to provide an additional service, improving the customer terminal's capability, and provide a single customer terminal that provides a plurality of services for convenience.

As per claim 7, Guheen teaches the network system based self-help service according to claim 1, characterized in that said information service machine is an information query machine, a video telephone set, a printer or a photocopier, or a combination of them (Paragraph 3146. Printer.).

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen, Roerick, McKinney, and McGarry, in view of Rademacher, US Patent #5,450,938 (Rademacher hereinafter).

As per claim 4, Guheen teaches of providing a goods and services. However, Guheen does not specifically teach the network system based self-help service according to claim 1, characterized in that said customer terminal slaves are comprised of 2-6 cabinets of dispensers or card dispensers or information service machines constructed by way of building block architecture, said customer terminal slaves may provide 6-30 service items.

Rademacher teaches of a vending machine (customer terminal) comprising of a plurality of dispensers, wherein each dispenser serves up a merchandise (Col 5, lines 9-18).

Even though, Rademacher does not explicitly teach of 2-6 cabinets of dispensers and 6-30 service items, it would have been obvious to one of ordinary skill in the art that a vending machine comprising of a plurality of dispensers, wherein each dispenser services one merchandise as taught by Rademacher can provide different number of cabinets and items such as the claimed 2-6 cabinets and 6-30 service items, the number being dependable on the number of products desired by a vendor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, McKinney, McGarry, and Rademacher for a machine to comprise a plurality of dispensers and a plurality of merchandise, which would provide a plurality of dispensable products to purchase by customers.

As per claim 5, Guheen, Roerick, McKinney, McGarry, and Rademacher taught the network system based self-help service according to claim 4. Guheen further teaches the system characterized in that said dispensers in said customer terminal slaves are food dispensers, beverage dispensers or general merchandise dispensers (Paragraph 3145; 3146. Dispense good and services.).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen, in view of Roerick, Schanin, US Publication #2004/0000154 (Schanin hereinafter), Rademacher, and McGarry.

As per claim 17, Guheen teaches substantially the invention as claimed including a network communication system connecting a network management center and a plurality of customer terminals, Guheen's teachings comprising:

a network management center (Paragraph 3145. Central data processing center.); and

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a plurality of customer terminals in communication with the network management center via a network communication system (Paragraph 3142; 3145. Terminals.),

the network management center including a network center server operative with an information data database (Paragraph 2608; 2624. Information database.);

each one of the plurality of customer terminals including a customer terminal host and a plurality of computer terminal slaves in communication with the customer terminal host (Paragraph 3142. Printer, touch screen, credit card reader.), each customer terminal host and each customer terminal slave being in communication with the network management center (Paragraph 3145. Terminals linked to central data processing center.), the plurality of customer terminal slaves providing a variety of items including merchandise and information for purchase by a customer (Paragraph 3145. Goods or services in the form of documents.), the plurality of customer terminal slaves including a customer terminal slave information dispenser (Paragraph 3145; 3145. Dispense documents.),

the customer terminal host having a host panel, the host panel including a touch screen display operative for displaying messages or providing information to a customer (Paragraph 3142. Touch screen), a keyboard for inputting data into the customer terminal host (Paragraph 3142. Keyboard.), a paper exit for dispensing printed paper from a printer contained with the customer terminal host (Paragraph 3142. Printer operations.), an IC card reader or a magcard reader (Paragraph 3142. Credit card reader.), and payment means for payment of a selected one of the variety of items purchased (Paragraph 3142; 3145. Accept payment for goods or services.), and a card receiver for receiving value storing cards or value adding cards (Paragraph 3142; 3145. Use credit card reader or PIN number entering, i.e. credit or ATM card. Paragraph 3154. Magnetic strip card with value.), and

when the customer selects information as the selected one of the variety of items for purchase and one of the payment means (Paragraph 3145. Gather information from desired goods and services.), the customer terminal host creates an information service request and transmits the information service

request to the network management center (Paragraph 3145. Transmit information on goods and services to the central data processing center.), the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host, the customer terminal host then performs payment settlement according to the selected payment means, the customer terminal slave information dispenser provides the information to the customer (Paragraph 3145. Accept payment. Processing by the central data processing center and to deliver goods or services in the form of documents.),

when the customer selects merchandise as a selected one of the variety of items for purchase, the customer terminal host creates real time messages, the network management database sends a result to the customer terminal host (Paragraph 3145. Receive information on desired goods and services from customers. Sent goods or services to the data processing center for processing.), the customer terminal host settles payment according to the selected one of the payment means, the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise (Paragraph 3145. Accept payment. Deliver documents to the customer.).

However, Guheen does not specifically teach a system comprising: a network management database, and an electronic business database, a customer terminal slave food dispenser containing food, a customer terminal slave beverage dispenser containing beverages and customer terminal slave card or ticket dispenser, at least the customer terminal slave beverage dispenser having a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal slave beverage dispenser,

when the customer selects merchandise and one of the payments, the customer host creating real time messages including terminal information data about merchandise remaining at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host, the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data,

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when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

Roerick teaches a similar system comprising: at least one card exit (Paragraph 0260; 0267. Card dispenser.), at least one ticket exit (Paragraph 0280. Print ticket.), a small change machine for dispensing coins (Paragraph 0260; 0274. Coin dispenser.), the payment means including a paper currency receiver for receiving paper currency from a customer (Paragraph 0039; 0260. Receive currency.);

when the customer selects merchandise and one of the payments, the customer host (Paragraph 0277-0278. Request service. Indicate method of payment.), creating real time messages including terminal information data about a request for the merchandise (Paragraph 0278-280. Message sent to transaction server. Message includes request for goods/services.), the customer terminal slave transmitting the terminal data to the network management center for modification of the network management database based upon the terminal information data (Paragraph 0280. Determine availability of ticket, price, information from vendor or business. Paragraph 0283. Information is sent by the transaction server to the MFC.)

when the customer selects the card receiver for receiving value adding cards as payment means (Paragraph 0269; 0273; 081. Smart card.), the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center (Paragraph 0277; 0281. Encrypted message sent to transaction server.), the network management center correspondingly modifies data in the electronic business database (Paragraph 0281. Log transaction.) and sends a result to the customer terminal host, the customer terminal host then settles payment (Paragraph

0279. Confirm purchase of goods/services to the device. Paragraph 0280; 0282. Ticket information sent to the device.) and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave (Paragraph 0280; 0283. Print ticket.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen and Roerick because both teachings similarly deal with a commercial transaction system wherein dispensing apparatuses (customer terminals) provide goods and services. Using features known for operating one type of dispensing apparatus in another dispensing apparatus as taught by Roerick would have been obvious to one of ordinary skill in the art to enhance the capability of a dispensing apparatus (claimed customer terminal host) such as by allowing transactions based on cards with stored value to provide an additional payment option and increase convenience, speed, and security of certain types of transactions as suggested by Roerick (Paragraph 0021).

Guheen and Roerick still do not specifically teach of a customer terminal slave food dispenser containing food, a customer terminal slave beverage dispenser containing beverages, at least the customer terminal slave beverage dispenser having a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal, and a customer terminal host that creates real time messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave.

Schanin teaches of a customer terminal comprising a beverage dispenser and comprising a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal (Paragraph 0030; 0034-0035).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, and Schanin for the customer terminal as taught by the suggested system of Guheen and Roerick to comprise a beverage dispenser and a temperature adjuster for

adjusting the temperature of the beverages contained in the customer terminal as taught by Schanin, which would enable a single dispensing apparatus to conveniently provide different types of products, such as beverages, normally provided by multiple dispensing apparatus, and provide additional products for purchase. Furthermore, providing a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal would have been obvious to one of ordinary skill in order to provide customer satisfaction by meeting customers' expectation of beverages as chilled items as suggested by Schanin (paragraph 0020).

Guheen, Roerick, and Schanin still do not specifically teach of a customer terminal slave food dispenser containing food, and a customer terminal host that creates real time messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave.

Rademacher teaches of a vending machine (customer terminal) comprising a terminal slave dispenser containing food (Col 5, lines 4-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, Schanin, and Rademacher for the customer terminal as taught by the suggested system of Guheen, Roerick, and Schanin to comprise a terminal slave dispenser containing food as taught by Rademacher, which would enable a single dispensing apparatus to conveniently provide different types of products, such as food, normally provided by multiple dispensing apparatus, and provide additional products for purchase.

Guheen, Roerick, Schanin, and Rademacher still do not specifically teach of a customer terminal host that creates real time messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave.

McGarry teaches a an apparatus for commercial transaction, i.e. a dispensing apparatus, wherein the dispensing apparatus sends a message including terminal information data about merchandise remaining at the customer terminal slave and an amount of currency remaining at the customer terminal host at any given time (Col. 6, lines 1-5, 32-41; Col. 8, lines 36-42.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guheen, Roerick, Schanin, Rademacher, and McGarry for the customer terminals as taught by suggested system of Guheen, Roerick, Schanin, and Rademacher to send a message including terminal information data about merchandise remaining at the customer terminal slave and an amount of currency remaining at the customer terminal host, which would have been desirable for an entity (vendor) managing customer terminals to achieve the results of eliminating unnecessary service calls and facilitating better supply route planning as suggested by McGarry (col. 1, lines 20-26).

#### **(10) Response to Argument**

Appellant argued that:

(1) Regarding the rejection of claim 1, “A prima facie case of obviousness is established if the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” The mere fact that the prior art may be modified in the manner suggested by the Examiner neither makes the modification prima facie obvious or obvious unless the prior suggested the desirability of the modification. It is respectfully submitted that there must be motivation for one skilled in the art to combine the teachings of the references, i.e. a basis in the art for combining or modifying the references. Examiner fails to identify a persuasive suggest to combine the teachings of references. “Identification in prior art of each individual part claimed is insufficient to defeat patentability to the whole claimed invention.”

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In response, firstly, it is respectfully noted that Appellant is not arguing that the references do not teach the features of claim 1 but that there is not a proper motivation to combine the teachings from the references.

Secondly, it is noted that KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--; slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396) (available at <https://www.uspto.gov/web/offices/dcom/bpai/prec/fd071923.pdf>).

Regarding the combination of Guheen and Roerick, both teachings similarly deal with a system for commercial transaction, wherein dispensing apparatuses provide goods and services to customers (See Guheen, Paragraphs 3145; 3137 and Roerick, Paragraphs 0021; 0279-0280). Guheen's commercial transaction system does not specifically teach the features: at least one card exit, at least one ticket exit, a small change machine for dispensing coins, a payment means including a paper currency receiver for receiving paper currency from a customer; when the customer selects merchandise and one of the payments, the customer host, creating real time messages including terminal information data about a request for the merchandise, the customer terminal slave transmitting the terminal data to the network management center for modification of the network management database based upon the terminal information data, when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

Roerick's transaction system teaches the above features not specifically taught in Guheen. It would have been obvious to one of ordinary skill at the time the invention was made to combine the

teachings for the customer terminal as taught by Guheen to implement the features as taught by Roerick. Using features known for operating one type of dispensing apparatus as taught by Roerick in another dispensing apparatus would have been obvious to one of ordinary skill in the art, which would enhance the capability of a dispensing apparatus (customer terminal) such as by allowing transactions based on cards with stored value to provide an additional payment option, and increase convenience, speed, and security of certain types of transactions as suggested by Roerick (Paragraph 0021).

The suggested system of Guheen and Roerick teach of a plurality of terminal server cabinets (Roerick, paragraphs 0274, 0280, 0283) but does not specifically teach that the terminal server cabinets are constructed in a building block architecture. McKinney's teaches of an apparatus utilizing a building block architecture (Paragraph 0015). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the plurality of terminal server cabinets as taught by the suggested system to be implemented in a building block architecture as taught by McKinney. Using the known technique of a building block architecture, which does not affect the operation of the customer terminal, for providing a design that reduces development efforts as taught by McKinney would have been obvious to one of ordinary skill.

The suggested system of Guheen, Roerick, and McKinney teach of a customer terminal host but does not specifically teach that the customer terminal host creates a real time terminal messages including terminal information data about merchandise stored and available to the customer. McGarry teaches of an apparatus for commercial transaction, i.e. a dispensing apparatus, wherein the dispensing apparatus sends real time terminal messages including terminal information data about merchandise stored and available to the customer (col. 6, lines 1-5, 32-41; col. 8, lines 36-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the dispensing apparatus (claimed customer host terminal) as taught by the suggested system to send real time terminal messages including terminal

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information data about merchandise stored and available to the customer as taught by McGarry, which would have been desirable for an entity (e.g. a vendor) managing customer terminals to achieve the results of eliminating unnecessary service calls and facilitating better supply route planning as suggested by McGarry (col. 1, lines 20-26).

(2) Regarding claims 4 and 5, the claims depend from claim 1, and it is respectfully submitted that the dependent claims are allowable for at least for the reason claim 1 is allowable.

In response, Appellant is not arguing that the features of claim 4 and 5 are not taught by the references but that claims 4 and 5 are allowable for the same reason as claim 1. Therefore, it is respectfully submitted that claims 4 and 5 are not patentable for the same reasons that claim 1 is not patentable provided in the response to argument (1).

(3) Regarding claim 17, it is respectfully submitted that for the substantive legal reasons set forth for claim 1, claim 17 is also allowable over the applied art.

In response, firstly, it is noted that on page 17, under the section titled “Rejection of Claim 17 under 35 U.S.C. 103”, the Appeal Brief incorrectly refers to claim 17 as “claim 7”. On page 17, the Appeal Brief recites, *inter alia*, “Additionally, claim 7 recites that the customer terminal host...” and on page 18, “Further, claim 7...”. “claim 7” will be considered as a typographically mistake and considered as claim 17.

Secondly, it is respectfully noted that Appellant is not arguing that the references do not teach the features of claim 17 but a general argument that there is not a proper motivation to combine the teachings based on similar reasoning set forth in claim 1.

Thirdly, it is noted that KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396) (available at <https://www.uspto.gov/web/offices/dcom/bpai/prec/fd071923.pdf>).

Regarding the combination of Guheen and Roerick, both teachings similarly deal with a system for commercial transaction, wherein dispensing apparatuses provide goods and services to customers (See Guheen, Paragraphs 3145; 3137 and Roerick, Paragraphs 0021; 0279-0280). Guheen's commercial transaction system does not specifically teach the features: at least one card exit, at least one ticket exit, a small change machine for dispensing coins, the payment means including a paper currency receiver for receiving paper currency from a customer; when the customer selects merchandise and one of the payments, the customer host, creating real time messages including terminal information data about a request for the merchandise, the customer terminal slave transmitting the terminal data to the network management center for modification of the network management database based upon the terminal information data, when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

Roerick's transaction system teaches the features not specifically taught in Guheen. It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Guheen and Roerick for the customer terminal as taught by Guheen to implement the features as taught by Roerick. Using features known for operating one type of dispensing apparatus in another dispensing apparatus would have been obvious to one of ordinary skill in the art, which would enhance the capability

of a dispensing apparatus (customer terminal) such as by allowing transactions based on cards with stored value to provide an additional payment option, and increase convenience, speed, and security of certain types of transactions as suggested by Roerick (Paragraph 0021).

The suggested system of Guheen and Roerick teach of a customer terminal comprising a plurality of customer terminal slaves but does not specifically teach that the customer terminal slaves include a customer terminal slave beverage dispenser containing beverages, at least the customer terminal slave beverage dispenser having a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal. Schanin, US Publication #2004/0000154 (Schanin hereinafter), teaches of an apparatus for commercial transaction, i.e. a dispensing apparatus, comprising a beverage dispenser and a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal (Paragraph 0030; 0034-0035). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the dispensing apparatus (claimed customer terminal) as taught by the suggested system of Guheen and Roerick to comprise a beverage dispenser and a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal as taught by Schanin, which would enable a single dispensing apparatus to conveniently provide different types of products, such as beverages, normally provided by multiple dispensing apparatus and providing additional products for purchase. Furthermore, providing a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal would have been obvious to one of ordinary skill in order to meet a customer's expectation of beverages as chilled items (See Schanin, paragraph 0020).

The suggested system of Guheen, Roerick, and Schanin teaches of a customer terminal comprising a plurality of customer terminal slaves but does not specifically teach that the customer terminal slaves include a customer terminal slave food dispenser containing food. Rademacher, US Patent #5,450,938 (Rademacher hereinafter), teaches of an apparatus for commercial transaction, i.e. a

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dispensing apparatus, comprising a terminal slave dispenser containing food (col. 5, lines 4-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the customer terminal as taught by the suggested system of Guheen, Roerick, and Schanin to comprise a terminal slave dispenser containing food as taught by Rademacher, which would enable a single dispensing apparatus to conveniently provide different types of products, such as food, normally provided by multiple dispensing apparatus, and provide additional products for purchase by customers.

The suggested system of Guheen, Roerick, Schanin, and Rademacher teach of a customer terminal host but does not specifically teach that the customer terminal host creates a real time terminal messages including terminal information data about merchandise stored and available to the customer. McGarry teaches of an apparatus for commercial transaction, i.e. a dispensing apparatus, wherein the dispensing apparatus sends real time terminal messages including terminal information data about merchandise stored and available to the customer (col. 6, lines 1-5, 32-41; col. 8, lines 36-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made for customer terminal as taught by the suggested system to send real time terminal messages including terminal information data about merchandise stored and available to the customer as taught by McGarry, which would have been desirable for an entity (e.g. a vendor) managing customer terminals to achieve the results of eliminating unnecessary service calls and facilitating better supply route planning as suggested by McGarry (col. 1, lines 20-26).

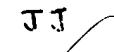
#### **(11) Related Proceeding(s) Appendix**

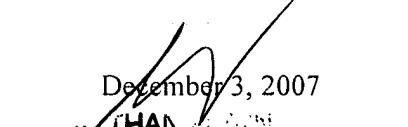
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

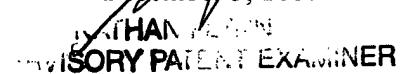
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Joshua Joo 

 December 3, 2007

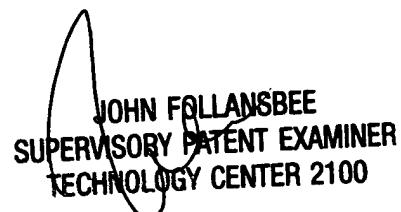
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